



**US Army Corps
of Engineers®**
New England District

PUBLIC NOTICE

696 Virginia Road
Concord, MA 01742-2751

Date: March 3, 2009
File Number: NAE-2007-2936
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The District Engineer has entered into a Memorandum of Understanding with the Massachusetts Department of Fish and Game, Division of Marine Fisheries (DMF) to establish a program of fees in lieu of on-site mitigation for minor impact to marine resources including Essential Fish Habitat (EFH).

The In-Lieu Fee (ILF) program is implemented by a Memorandum of Understanding (MOU) between the Corps and DMF. The agreement between the Corps and DMF is attached.

In-Lieu Fee (ILF) mitigation will occur in circumstances where a permittee is required to compensate for the functions and values of marine resources including Essential Fish Habitat lost as a result of the authorization to conduct work in waters of the United States after all efforts are made to avoid and minimize impacts. Recipients of permits or authorizations for projects in the Commonwealth of Massachusetts may be eligible to use the ILF program to satisfy mitigation requirements of the Corps' Massachusetts Programmatic General Permit (MA PGP). Use of the ILF program is contingent on Corps approval.

The fee *in-lieu* of project-specific mitigation will be determined by the Corps in consultation with the Steering Committee comprised of appropriate Federal and State agencies. The permit will state the amount of the fee to be paid before the authorized work may begin. The base value is currently set at \$10 per square foot of impact with a minimum payment of \$150. Compensatory mitigation ratios are applied as follows:

Open Water	1:1
Salt marsh	2:1 to 4:1
Submerged aquatic vegetation	3:1 to 5:1
Streams	2:1
Intertidal	2:1

The ILF program is collecting fees deposited in DMF's expendable Trust and which will be used for the restoration, creation, enhancement, and preservation of EFH resources within the waters of Massachusetts. The ILF program will provide compensation for lost marine functions and values that result from activities authorized under the MA PGP.

Karen K. Adams
Chief, Permits & Enforcement Branch

CENAE-R
FILE NO. NAE-200x-xxx

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

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